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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,425	08/03/2001	Gary Mittman	R258-DB	7477

31718 7590 09/22/2006

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EXAMINER

RETTA, YEHDEGA

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/22/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/922,425
Filing Date: August 03, 2001
Appellant(s): MITTMAN ET AL.

David A. Belasco
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 26, 2006 appealing from the Office action mailed November 22, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,665,715	HOURI	12-2003
6,792,458	MURET ET AL.	11-2004

"Intel's Pentium II gets \$20 mil intro (Intel launching Pentium II microprocessor worldwide on 5/7/97 backed by \$20 mil ad campaign)" Advertising Age, v68, n18, p16, May 5, 1997,

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Intel’s Pentium II gets \$20 mil intro (Intel launching Pentium II microprocessor worldwide on 5/7/97 backed by \$20 mil ad campaign)” Advertising Age, v68, n18, p16, May 5, 1997, (hereinafter Advertising Age), in view of Houri U.S. Patent No. 6,665,715 and further in view of Muret et al. U. S. Patent No. 6,792,458.

Regarding claim 1 Advertising age teaches advertising media purchase placed in either of movies, video, television, print, etc., said media purchase including an Internet website address for accessing further information related to the subject matter of the media purchase, start data, end data and geographic area for the plurality of media purchases and tracking the Internet-related goals achieved by the Internet user (accessing the website) (see page 1). Advertising age teaches the company launching an ad with a three days schedule in New York time, USA Today, The Wall Street Journal and handful of major metro papers. Page ads and spreads, starting May 19 in business magazines and computer publication. Advertising age teaches the company using one web address in print ads and another in banner ads to measure the effectiveness of each medium in driving the traffic to the site. Advertising age failed to teach means for determining

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the geographic location associated with an Internet protocol address, means for grouping the geographic location into uniform stated geographic area, means for inputting and maintaining records in the database. Hour i teaches means for determining the geographic location associated with IP address, grouping the geographic location into uniform stated geographic area, and a first database for storing IP address and corresponding geographic location, means for inputting and maintaining records in the database, means for accessing the database and assigning a stated geographic area. Hour i teaches location tracking system used in a situation where a website can provide appropriate information corresponding to the geographic location of the user visiting the site and providing reports illustrating the geographic dispersion of the website clientele, the report being accessible both on-line or on printable format (see abstract, fig. 2, 6-9, col. 1 line 30 to col. 2 line 41, col. 3 lines 9-40, col. 7 lines 27-58, col. 8 line 50 to col. 9 line 3, and col. 13 line 27 to col. 14 line 42). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to adapt tracking system as in Hour i in Advertising Age's website and determine the geographical location of the users and correlate to stated geographic area and store the information in a system data base in order to provide the advantage taught by Hour i, such as track the rate of responses to their advertisement and/or content and to improve marketing and provide relevant information corresponding to that geographical location (see col. 1 lines 40-54 and col. 13 line 4 to col. 14 line 42). Advertising Age teaches running ads for specific days (three-day ad schedule), plurality of geographic location (plurality of publications), use of web address on the ads and measuring the effectiveness of the each medium in driving traffic to the site, i.e., tracking Internet-related goals (accessing the web site) achieved by the Internet user related to his accessing the Internet website, however does not explicitly

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teach inputting the timing of occurrences of the Internet-related goals (user accessing the site). Muret teaches tracking web related goals and correlating and reporting the timing of Internet related goals, and providing report of activities of specific time period (see col. 1 line 45 to col. 2 line 32, col. 5 line 1 to col. 6 line 27, col. 7 line 4-15, col. 22 lines 5-60, col. 32 lines 56-68). It also would have been obvious to one of ordinary skill in the art at the time of the invention to implement tracking the timing of Internet-related goals as Muret, in Advertising Age's system (measuring effectiveness of ads that lead to a website), in order to track user's navigation within the website. One would be motivated to track the timing of the internet-goal in order to quickly assess which visitors are responsible for corresponding web server traffic and for advertiser to track how effective the banner ads are, and the location and behavior of shoppers, as taught by Muret (see col. 22 lines 28-34 and col. 23 line 49 to col. 24 lines 33).

Regarding claims 2-8, Advertising Age does not teach report comprising a media type, media name stated geographic area, compiled continuously from start date to end date, and residual period, summary of Internet traffics summary of Internet-related goals, wherein the Internet goals comprise sales, downloads, etc., graphical representation, etc, it is taught in Muret (see col. 12 lines 45-62, col. 19 lines 28-55, col. 23 lines 5-63, col. 26 line 23 to col. 29 line 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such report, as taught in Muret in order to provide advertisers detailed or specific or summarized report, or report with a "date range", etc, depending on the report chosen by the advertiser or website owner in order to make valuable business decisions, as taught by Muret (see col. 21 line 16 to col. 23 line 41).

(10) Response to Argument

Appellant's argument in the Appeal Brief is related to the teaching of correlating and reporting the timing of the Internet-related goals achieved by the Internet user with the start date, end date and **a residual period**. Examiner respectively disagrees. Examiner would like to point the Appellant to Muret's disclosure which discloses monitoring user activity at a web site at any time, in real-time. Muret teaches providing report on who visited the website, whether the visitor is new or existing visitor, the length of the visit, which web pages were viewed including the specific path the visitor took through the web site etc. (see fig. 23-25, the report includes date and time) to monitor marketing strategies and ad campaign effectiveness (see col. 21 lines 25-29). Muret specifically teaches using the visitor monitor report (see fig. 22 and col. 22 lines 5-25) the user (administrator) can click within the graph, within one of the rectangles, and the rectangle is mapped to a specific point in time and the time information is then compiled into a URL query and sent to the server to provide information on that specific point in time. Further Muret teaches (see fig. 27-35) providing report on any time range (for example between 7/3/2000 and 7/9/2000). Since Muret provides report for any specific time and since the end user selects the time period any end user will be able to monitor the website (for Internet related goals), i.e., the specific time would include time period before the promotion (media purchase), during the promotional time (start and end date) and after the promotion ends (residual period). For example if the media purchase was for 3 days as taught in advertising age, the end user would select a 4, 5 or 7 day report, as taught in Muret.

(11) Related Proceeding(s) Appendix


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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

YR


RETTA YEHDEGA
PRIMARY EXAMINER

Conferees:

Eric Stamber 

Raquel Alvarez 